

**U.S. District Court
Western District of Pennsylvania (Johnstown)
CIVIL DOCKET FOR CASE #: 3:19-cv-00212-SLH**

PBS COALS, INC. v. BERNHARDT et al
Assigned to: Judge Stephanie L. Haines
Cause: 05:552 Freedom of Information Act

Date Filed: 12/13/2019
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: U.S. Government Defendant

Plaintiff

PBS COALS, INC.

represented by **Kevin J. Garber**
Babst, Calland, Clements & Zomnir, P.C.
603 Stanwix Street
Two Gateway Center
6th Floor
Pittsburgh, PA 15222
412-394-5404
Fax: 412-394-6576
Email: kgarber@babstcalland.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

DAVID Q BERNHARDT
United States Secretary of the Interior

represented by **Luther Langdon Hajek**
U.S. Department of Justice, Environment
and Natural Resource
999 18th Street
South Terrace—Suite 370
Denver, CO 80202
303-844-1376
Email: luke.hajek@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LANNY E. ERDOS
*Acting Director, U.S. Department of the
Interior, Office of Surface Mining
Reclamation and Enforcement*

represented by **Luther Langdon Hajek**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/13/2019	<u>1</u>	COMPLAINT against DAVID Q BERNHARDT, LANNY E. ERDOS (Filing fee, including Administrative fee, \$400, receipt number 315-5394670), filed by PBS COALS, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (sdp) (Entered: 12/16/2019)
12/16/2019	<u>2</u>	Summons Issued as to DAVID Q BERNHARDT, LANNY E. ERDOS (Attachments: # <u>1</u> Summons) (sdp) (Entered: 12/16/2019)
12/16/2019	<u>3</u>	Disclosure Statement identifying Corsa Coal Corp. as corporate parent or other affiliate, by PBS COALS, INC.. (Garber, Kevin) (Entered: 12/16/2019)
12/18/2019	<u>4</u>	NOTICE that the instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (dlg) (Entered: 12/18/2019)

		12/18/2019)
03/28/2020		<p>IMPORTANT NOTICE: The United States District Court for the Western District of Pennsylvania (WDPA) will be upgrading its current CM/ECF system to the Next Generation of CM/ECF (NextGen CM/ECF) on Monday, May 26, 2020. Complete information, including a checklist of actions regarding the WDPA NexGen CM/ECF implementation, can be found at here . Currently, multiple attorneys within a firm may share a single PACER account. Shared PACER accounts cannot be used by WDPA e-filing attorneys once the WDPA NextGen CM/ECF system is implemented. Each attorney must have an individual upgraded PACER account that will be linked to the e-filing account. If you have an upgraded PACER account, no action is required until after the WDPA NextGen CM/ECF upgrade on May 26, 2020. You have an upgraded PACER account if you (1) e-file in another NextGen court, or (2) created your PACER account after August 10, 2014. If neither of these are true, you must upgrade your legacy PACER account before you will be able to link your PACER account to your current WDPA CM/ECF account for your new NextGen CM/ECF account. Further informational notices will be sent later, but if you have questions about upgrading your PACER account, please contact the PACER Service Center at 800-676-6856. (Administrator,) (ADI) (Entered: 03/28/2020)</p>
04/26/2020		<p>IMPORTANT NOTICE: The United States District Court for the Western District of Pennsylvania will be upgrading its current CM/ECF system to the Next Generation of CM/ECF on May 26, 2020. Complete information, including a checklist of actions regarding the WDPA NexGen CM/ECF implementation, can be found here. Preparing for NextGen is a two-step process. The first step is to upgrade any legacy PACER accounts. Each attorney must have an individual upgraded PACER account in order to electronically file after our conversion to NextGen. The second step will be to link that upgraded PACER account with your WDPA CM/ECF account after the Court goes live with NextGen. To link your account, you will need your current e-filing credentials from our Court. If your CM/ECF login contains a special character (such as &, @, \$, *), you will need to change it as logins with those characters will be unable to link to PACER accounts. <u>No later than Thursday, May 21, 2020</u>, you should log into both PACER and the current version of CM/ECF to (1) review and record your current e-filing credentials for both, as you will need to know them in order to e-file after May 23, 2020 and (2) ensure that your primary email address to receive Notices of Electronic Filings (NEF) is accurate. Failure to provide an accurate email address may result in a delay in receiving NEFs after the Court converts to NextGen. (Administrator,) (ADI) (Entered: 04/26/2020)</p>
05/01/2020	<u>5</u>	<p>Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by PBS COALS, INC. by DAVID Q BERNHARDT, LANNY E. ERDOS. (Attachments: # <u>1</u> Proposed Order) (Hajek, Luther) (Entered: 05/01/2020)</p>
05/04/2020	<u>6</u>	<p>ORDER granting <u>5</u> Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendants shall have until 7/6/2020 to file a response to Plaintiff's complaint. IT IS SO ORDERED. Signed by Judge Stephanie L. Haines on 5/4/2020. (dlg) (Entered: 05/04/2020)</p>
05/16/2020		<p>FINAL NOTICE: <u>In preparation of the Court's conversion to NextGen, our Court's CM/ECF system will be unavailable from 12:00 p.m. (Noon) on Friday, May 22, 2020, until 11:59 pm. Monday, May 25, 2020. Please plan accordingly.</u> Complete information, including a checklist of actions regarding the WDPA NexGen CM/ECF implementation, can be found here. Preparing for NextGen is a two-step process. The first step is to upgrade any legacy PACER accounts. The second step is to link that upgraded PACER account with your WDPA CM/ECF account after the Court goes live with NextGen. To link your account, you will need your current e-filing credentials from our Court. If your CM/ECF login contains any special characters (anything other than a letter or number), you will need to change it as logins with those characters will be unable to link to PACER accounts. <u>No later than Thursday, May 21, 2020</u>, you should log into both PACER and the current version of CM/ECF to review and record your current e-filing credentials for both, as you will need to know them in order to e-file after May 23, 2020. Please consult the Court's administrative order for additional information on deadlines and alternative filing options during this period. (Administrator,) (ADI) (Entered: 05/16/2020)</p>

06/30/2020	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by PBS COALS, INC. (<i>Second Motion</i>) by DAVID Q BERNHARDT, LANNY E. ERDOS. (Attachments: # <u>1</u> Proposed Order) (Hajek, Luther) (Entered: 06/30/2020)
07/01/2020	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer. Defendants shall have until 9/4/2020 to file a response to Plaintiff's Complaint. IT IS SO ORDERED, Signed by Judge Stephanie L. Haines on 7/1/2020. (dlg) (Entered: 07/01/2020)